



Certificate of Public Convenience
and Necessity Application

Sussex County

Finiello

February 5, 2016

Mr. Kevin Neilson
Public Service Commission
861 Silver Lake Blvd.
Suite 100
Dover, DE 19904

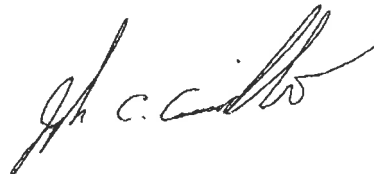
Re: CPCN Application -- Finiello

Dear Mr. Neilson;

Enclosed you will find the CPCN application for the Finiello property located in Sussex County, Delaware.

One original copy the application has been included. A check payable to the Public Service Commission in the amount of \$300.00 has also been included for the application fee. If I can be of further assistance upon your review, please do not hesitate to contact me at 302-747-1308.

Respectfully,



Joseph C. Cuccinello
CPCN Coordinator
Tidewater Utilities, Inc.

cc: Mr. Grover P. Ingle, SFMO w/enclosures
Mr. Ed Hallock, DPH w/enclosures
Mr. Stewart Lovell, DNREC w/enclosures
Mr. John Ashman, Sussex County w/enclosures

**APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED
TO BEGIN OR EXPAND THE BUSINESS
OF A PUBLIC WATER UTILITY**

BEFORE THE PUBLIC SERVICE COMMISSION

Application Fee \$300 for filing each extension to a CPCN
 \$750 for filing each original application for new water utility 26 Del. C. §114(a)

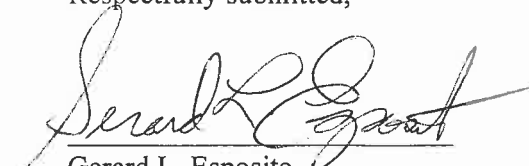
This form of application must be filed for each new and expanding water system pursuant to 26 Del. C. §203C.

WATER UTILITIES: FINIELLO

1. Basis for application:
 - ☐ a. Water in the proposed service area does not meet the Regulations Governing Public Drinking Water Systems of the State Board of Health for human consumption; {26 Del. C., §203C (d)(2)(a)}; or
 - ☐ b. Water supply in the proposed service area is insufficient to meet the projected demand; 26 Del. C., §203C (d)(2)(b)}; or
 - ☐ c. The applicant is in possession of a signed service agreement with the developer of a proposed subdivision or development, which subdivision or development has been duly approved by the respective county government; {26 Del. C., §203C (e)(1)(a)}; or
 - ☒ d. The applicant is in possession of a petition signed by all of the parcel owners of the proposed territory to be served; {26 Del. C., §203C (e)(1)(b)}; or **Exhibit A**
 - ☐ e. The applicant is in possession of a duly certified copy of a resolution from the governing body of a county or municipality requesting the applicant to provide service to the proposed territory to be served; {26 Del. C., §203C (e)(1)(c)}.
2. To obtain a Certificate of Public Convenience and Necessity ("CPCN") to provide adequate water service to customers and meet the Regulations Governing Drinking Water Standards of the State Board of Health for human consumption {26 Del. C., §203C(a)}.
3. Tidewater Utilities, Inc. requests an informal fact finding procedure during review of application.
4.
 - (a.) Full legal name and address of Applicant:
Tidewater Utilities, Inc.
1100 South Little Creek Road
Dover, Delaware 19901
 - (b.) Full name of the Utility's designated representative:
Joseph C. Cuccinello
Emily R. Opdyke
 - (c.) Phone no: 302-734-7500 X1014 or X1012
 - (d.) Fax no: 302-734-9297
 - (e.) Email address: jcuccinello@Tuiwater.com or eopdyke@tuiwater.com
5. Supporting documentation required by 26 Del. C. §203C(e)(1), including evidence that all landowners of the proposed territory have been notified of application: **Exhibit B**
6. A complete list of county tax map parcel number(s) for the area covered by the application: **Exhibit C**
7. A complete list of county tax map parcel number(s) with corresponding names and addresses of property owners and a copy of the tax map(s) for the area: **Exhibit C**


8. The Applicant hereby certifies that the extension will satisfy the provisions of 26 Del. C. §403C, including:
- (a.) The Applicant is currently furnishing water to its present customers in Delaware in such a fashion that water pressure at every house supplies is at least 25 psi at all times at the service connection.
 - (b.) The Applicant shall furnish water to the house or separate location of each new customer in the Delaware at a pressure of at least 25 psi at each location or house at all times at the connection while continuing also to supply each old customer at a pressure of at least 25 psi at each house at all times at the service connection.
 - (c.) The Applicant is currently not subject to a finding by the appropriate federal or state regulatory authority that we have materially failed to comply with applicable safe drinking water or water quality standards; and
 - (d.) The Applicant is currently not subject to any Order issued by the Commission finding that Tidewater Utilities, Inc. has materially failed to provide adequate or proper safe water services to existing customers.
9. Copies of petitions signed by landowners showing all of the parcel owners of the proposed territory to be served agree with the filing of a CPCN to permit Applicant to provide them with public water. **Exhibit A**
10. Plan of service for the proposed service areas covered by this application: **Exhibit D**
11. (a.) A copy of the application must be sent to State Fire Marshall, Public Health Department, Department of Natural Resources and County Engineering/Utility.
- 1.) The current status of such application is: **Sent**
 - (b.) The Applicant provides the following additional information with this application;
 - 1.) A corporate history including dates of incorporation, subsequent acquisitions and/or mergers, **On PSC File**
 - 2.) A chart, which depicts the inter-company relationships, **On PSC File**
 - 3.) A map identifying all areas, including all towns, cities, counties and other governments subdivisions to which service is already provided, **On PSC File**
 - 4.) All copies of Applicant's annual reports to stockholders and that of its subsidiaries, and parent for the last two years, **On PSC File**
 - 5.) Applicant's audited financial statements, 10K's and all proxy material for the last two years, **On PSC File**
 - 6.) Any additional information required by PSC Staff will be made available on request.

Respectfully submitted,


Gerard L. Esposito
President

Certification of Landowner Information Accuracy

By submitting this application, Tidewater Utilities, Inc. hereby certifies that we have reviewed the appropriate tax or land record documents; and that according to those documents, the landowners identified in the parcel lists are the landowners of record and that the petitions contained in this application have been signed by the landowners of record.



Joseph C. Cuccinello
CPCN Coordinator



[Government](#)

[Citizens](#)

[Visitors](#)

[Business](#)

[Services](#)

Map Search

Sussex County, Delaware - Zoning and Sales Information

PROPERTY DETAILS

- [General Information](#)
- [Appraisal & Assessment Info](#)
- [Sales Info](#)
- [Map of Property](#)

General Information

District-Map-Parcel:

1-34 17.00 8.05

Owner(s) Names:

FINIELLO , MARY C

Property Legal Description:

NE/RT 361

PARCEL 3

Billing Address:

38227 MUDDY NECK RD

OCEAN VIEW , DE 19970

Land Use:

Residential, Single dwelling & lot

Zoning:

Agricultural/Residential

Town/Municipality:

-No Town or Municipality Specified-

Fire District(s):

Millville Fire District

Tax Ditch(es):

-No Ditch Records-

Sewer/Water**District:**

Not Defined

Watershed:

CHINCOTEAGUE

2
15

EXHIBIT

A

PETITION FOR INCLUSION

Tidewater (TUI) – Water Petition

1-800-523-7224

www.tuiwater.com

PETITION FOR INCLUSION IN TIDEWATER UTILITIES, INC. WATER SERVICE TERRITORY

In accordance with 26 Delaware Code 203-C., I/we, the undersigned, as the recorded property owners according to current tax records for the following property/properties, request to be included in the water service territory of Tidewater Utilities, Inc. I/We understand that all of the property owners must sign this petition in order for Tidewater Utilities, Inc to apply for a Certificate of Public Convenience and Necessity (CPCN) in order to provide water service to the following property/properties

Tax Parcel Number(s): 134-17.00-8.05

Property Owner(s): Mary C. Finiello

Mailing Address: 38227 Muddy Neck Road
Ocean View, DE 19970

Property Address: NE/RT 361 Parcel C (38227 Muddy Neck Road)

Owner's Signature(s): ☒ Mary C. Finiello Date: 1-5-14

Print Name: ☒ MARY C. FINIELLO Phone #: 302-519-5422

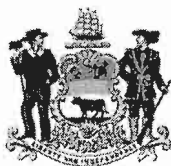
Owner's Signature(s): ☒ _____ Date: _____

Print Name: ☒ _____ Phone #: _____

Email Address: HIMI FINI 76@GMAIL.COM

I UNDERSTAND THAT BY SIGNING THIS PETITION MY PROPERTY MAY HAVE TO REMAIN IN TIDEWATER UTILITIES, INC. SERVICE TERRITORY PERMANENTLY. I ALSO UNDERSTAND THAT IT MAY AFFECT MY ABILITY TO OBTAIN A PERMIT FOR A NEW WELL. IF YOU HAVE ANY QUESTIONS, COMMENTS, OR CONCERNS, PLEASE CONTACT THE PUBLIC SERVICE COMMISSION AT (302) 736-7500 (in Delaware, call 800-282-8574).

P-16-0001



STATE OF DELAWARE

PUBLIC SERVICE COMMISSION
861 SILVER LAKE BLVD.
CANNON BUILDING, SUITE 100
DOVER, DELAWARE 19904

TELEPHONE:
FAX:

(302) 736-7500
(302) 739-4849

January 7, 2016

Jerry Esposito
Tidewater Utilities, Inc.
1100 South Little Creek Road
Dover, DE 19901

Subject: *Tax Map No. 134-17.00-8.05*
38227 Muddy Neck Rd
Ocean View, DE 19970

Dear Mr. Esposito:

The Commission has received a request from Joseph Cuccinello, Tidewater Utilities, Inc., to provide temporary emergency water service at 38227 Muddy Neck Rd, Ocean View, DE 19970. I understand the application is the result of a letter from Mary Finiello ("the property owner") requesting that Tidewater Utilities, Inc. ("Tidewater") be allowed to provide temporary emergency water service to the property prior to receiving a Certificate of Public Convenience and Necessity ("CPCN"). The letter indicates the well failed and currently has no water at the location.

I understand that the subject property is not currently in a CPCN area. I also understand that Tidewater is in the process of completing the work needed to submit an application for a CPCN for this property, has notified the property owners of its intent to file the application, and intends to file the application in the near future.

Because the property owners are in immediate need of water service, Tidewater has sought permission to serve this property prior to the Commission's approval of a CPCN. Commission Staff has reviewed the request letter from Mr. Cuccinello, Tidewater's submission of the notice and the petition for water service signed by the property owners. Given this information, and that the fact that the completed application and full review cannot be completed in time to meet the needs of the customer, Commission Staff will not seek any sanctions against Tidewater for providing temporary water services to this specific property without an approved CPCN. This agreement by Commission Staff is with the understanding that should the Commission deny the requested CPCN, Tidewater must immediately discontinue all water services to the property. Commission Staff is hesitant to permit this temporary accommodation, but recognizes the unusual and pressing circumstances of the property owner.

If there are any questions, please contact me at (302) 736-7500.

Sincerely,

A handwritten signature in dark ink, appearing to read 'R. Howatt', with a stylized, flowing script.

Robert Howatt
Executive Director

cc: Chair and Commissioners, PSC
Mr. Joseph Cuccinello, Tidewater Utilities, Inc.
Commission file

EXHIBIT

B

TIDEWATER

UTILITIES, INC.

A Middlesex Water Company Affiliate

January 7, 2016

Certified Mail 7011 04740 0000 2895 8581

Ms. Mary C. Finiello
38227 Muddy Neck Road
Ocean View , DE 19970

Dear Ms. Finiello,

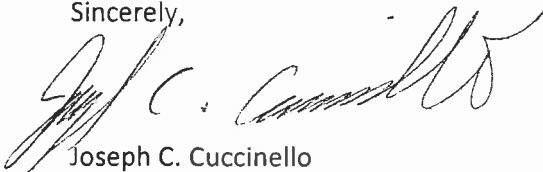
Tidewater Utilities Inc. (Tidewater) would like to thank you for the receipt of your signed petition requesting Tidewater to provide water service to your property, 134-17.00-8.05 located in Sussex County.

Tidewater will be submitting an application for a Certificate of Public Convenience and Necessity (CPCN) with the Public Service Commission (PSC) on or about February 5, 2016. Included with this letter is information that we are required to provide to all landowners within a proposed service territory prior to filing the application for a CPCN.

When the CPCN is granted, Tidewater will have the permission to provide public water service to your parcel. It is important for you, as the landowner, to know that when water service is made available to your parcel you are not obligated to connect to our water system as long as your current water supply is functioning properly. If you agree to have your property be part of this proposed service area, no action on your part is required at this time. If you do not agree to have your property be part of this proposed service area you will need to complete the enclosed opt out/object form and send it back to the address on top of the form.

If you have any questions in regards to this matter please feel free to contact me at 1-877-720-9272 ext. 1014.

Sincerely,



Joseph C. Cuccinello
CPCN Coordinator

YOU SHOULD READ THIS NOTICE CAREFULLY.

Public records list you as a landowner of the property with the following tax map parcel identification number(s): 134-17.00-8.05. Within thirty-five (35) days, Tidewater Utilities, Inc. (TUI) plans to file an application with the Delaware Public Service Commission requesting a Certificate of Public Convenience and Necessity (Certificate) to provide water service to a new territory described as Finiello.

TUI HAS INCLUDED YOUR PROPERTY IN THE TERRITORY IT INTENDS TO SERVE. TIDEWATER UTILITIES, INC. ESTIMATES THAT IT WILL PROVIDE WATER SERVICE TO 38227 MUDDY NECK ROAD, WHICH IS LOCATED ABOUT 83 FEET NORTH WEST OF THE INTERSECTION OF MUDDY NECK ROAD AND OGRE DR. IMMEDIATELY AFTER COMPELETION OF THE CONNECTION APPLICATION PROCESS IF AN EMERGENCY WAVIER IS GRANTED BY THE PUBLIC SERVICE COMMISION OR ONCE THE CPCN IS GRANTED.

IF YOU DO NOT TAKE ANY ACTION NOW, YOU MAY LOSE YOUR CHOICE OF WHO CAN PROVIDE WATER SERVICE TO YOUR PROPERTY AND WHETHER YOU CAN OBTAIN A WELL PERMIT.

- 1) You may choose to be included in the utility's proposed service territory. If you signed a petition for water service asking to be included in the utility's proposed service territory, [or, if you did not sign a petition for water service but want to be included, you do not have to take any action.
- 2) You have the right to "opt-out" of the utility's proposed service territory. If you "opt-out", your property will not be included in the utility's service territory. You can do this even though others in Muddy Neck Rd might desire water service from the utility. You should understand that being included in a utility's service territory does not mean that public water service will be immediately available to your property or that, when available; you will be required to hook-up to the public water system. However, if your property is included in the utility's water service territory, and later the water from the well providing your drinking water cannot be used, the Department of Natural Resources and Environmental Control might deny you a permit for a new well if public water is available to your property. On the other hand, if you elect to "opt-out" of the utility's service territory, but later change your mind and decide to connect to the utility's public water system, you could be charged additional fees.
- 3) You may object to the Public Service Commission granting a Certificate for Muddy Neck Rd. For example, you may object that the water utility does not have the legal right to serve the territory. You should review the law about what a utility must provide in order to obtain a Certificate (contact the Public Service Commission to obtain a copy of the law). If you file such an objection, you will need to tell the Public Service Commission why the utility should not receive the Certificate. Please note that an objection will not remove your property from a proposed service territory. To remove your property from the service territory, you must request to "opt-out."

Attached to this letter is a form which allows you (and other owners of the property) to exercise your options. You have seventy-five (75) days from your receipt of this notice to file your objection with the Commission. Although you may exercise your right to "opt-out" of the utility's service territory at any time before the Certificate is granted, if you choose to opt-out, it is requested that you complete the form and return it to the Public Service Commission at the address listed below within seventy-five (75) days from the date you receive this notice:

Delaware Public Service Commission
861 Silver Lake Boulevard
Cannon Building, Suite 100
Dover, Delaware 19904

If you want to “opt-out” or object, you must send the completed form to the Public Service Commission, even if you already informed the utility of your intent to “opt-out” or object.

If you have any questions, comments or concerns, please contact the Public Service Commission at (302) 736-7500 (in Delaware, call 800-282-8574).

PROPERTY OWNER OPT-OUT/OBJECT FORM

Delaware Public Service Commission
861 Silver Lake Boulevard
Cannon Building, Suite 100
Dover, Delaware 19904

Dear Delaware Public Service Commission:

I/We are the recorded property owner(s), according to current tax records, for the following property/properties:

Tax Map Parcel Identification Number(s): 134-17.00-8.05

We received a notice from *Tidewater Utilities, Inc.* that it plans to file an application with the Delaware Public Service Commission for a Certificate of Public Convenience and Necessity (Certificate) to provide water service to a proposed service territory described by Tidewater Utilities, Inc. as Fineillo (hereafter, "Proposed Service Territory").

_____ As permitted by applicable law, I hereby opt-out of *Tidewater Utilities, Inc.*'s proposed service territory. I understand that by opting out of the Proposed Service Territory, I may be charged additional fees if I later change my mind and choose to be included in the Proposed Service Territory and receive water service from *Tidewater Utilities, Inc.*

_____ I hereby object to the *Tidewater Utilities, Inc.*'s application for the Certificate of Public Convenience and Necessity. I understand that by objecting to the *Tidewater Utilities, Inc.*'s application I am not merely objecting to being included in the Proposed Service Territory (in which case, I may merely opt out as permitted by electing to opt out above), but rather am objecting to the Commission authorizing the *Tidewater Utilities, Inc.* to provide water service to *any territory* within the Proposed Service Territory, including, but not limited to, my own property. The basis of my objection is as follows:

Property Owner(s): *Property Owner Name* _____

Property Owner Address _____

Owner's Signature: _____ Date: _____

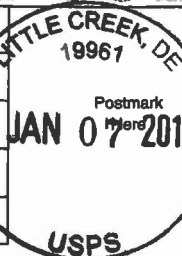
7011 0470 0000 2895 8581

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 4.85
Certified Fee	3.45
Return Receipt Fee (Endorsement Required)	2.80
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.735



Sent To: Mary C. Finiello
 Street, Apt. No., or PO Box No. 38227 Muddy Neck Rd
 City, State, ZIP+4[®] Ocean View, DE 19970

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mary C. Finiello
38227 Muddy Neck Rd
Ocean View, DE
19970

2. Article Number
 (Transfer from service label)

7011 0470 0000 2895 8581

PS Form 3811, February 2004

Domestic Return Receipt

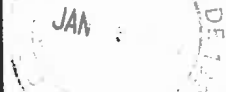
102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature [Signature] ☐ Agent ☒ Addressee

B. Received by (Printed Name) MARY C. FINIELLO C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:



3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

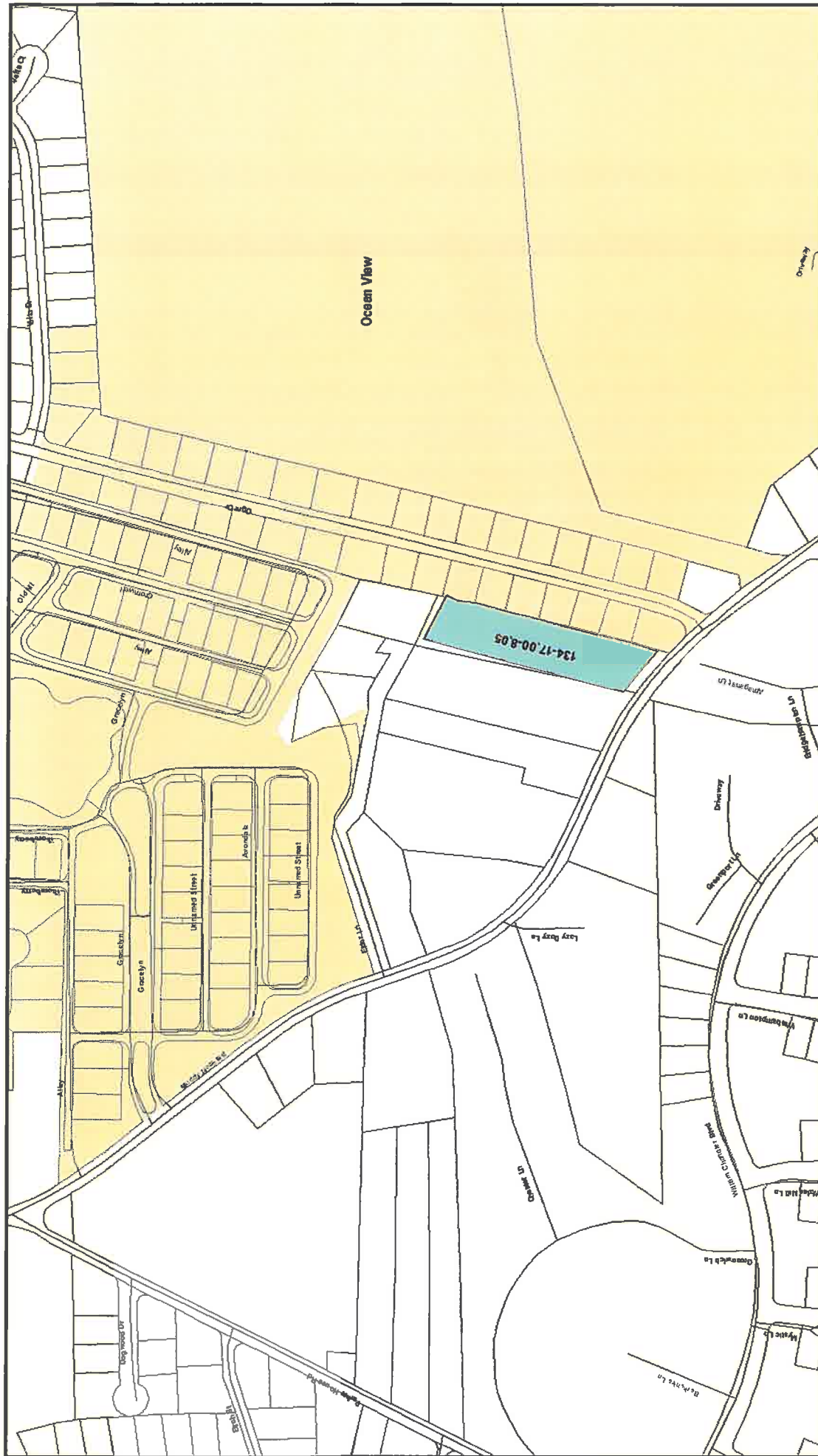
4. Restricted Delivery? (Extra Fee) ☐ Yes

EXHIBIT C

Exhibit C

Proposed Service Area	Tax Map Parcel Numbers	Acres	Owner
Service Area 1	134-17.00-8.05	2.15	Mary C. Flniello 38227 Muddy Neck Road Ocean View, DE 19970

- Parcel 134-17.00-8.05 is an individual parcel which is located about 83 feet northwest of the intersection of Muddy Neck Road and Ogre Drive.



PRINT DATE: 01/07/2016

DATE OF CALCULATION: JAN 12, 2007
 DATE OF CALCULATION: JAN 12, 2007
 DATE OF CALCULATION: JAN 12, 2007

The Landmark information shown herein
 has been compiled from various sources
 and is not guaranteed to be accurate.
 No warranty is made by the Company
 or its agents for any use of the information
 for purposes other than those intended.

TIDEWATER
 UTILITIES, INC.
 A Midatlantic Water Company Affiliate

CPCN APPLICATION MAP WATER

Finiello
Sussex County, DE

Legend



A-16-001
 1 inch = 250 feet
Map 1

EXHIBIT D

Plan of Service

Tidewater Utilities, Inc. (Tidewater) intends to provide water service immediately, per the emergency wavier granted by the Public Service Commission on January 7, 2016, to 38227 Muddy Neck Road, Ocean View, DE. This parcel is located within Tidewater's Ocean View Water District. Tidewater owns and operates a series of water production and storage facilities which provides water to the Ocean View Water District. This parcel will be served water from Tidewater's existing 12-inch water main, located on the north side of Muddy Neck Road. Tidewater has already completed the water service connection to 38227 Muddy Neck Road and is now in the process of completing the Certificate of Public Convenience and Necessity application as stated in the emergency wavier.